

25.06.2019.
Item No.30
(Allowed)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 240 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.04.2019 in connection with Boxirhat Police Station Case No. 135 of 2018 dated 22.08.2018 (G.R. Case No. 393 of 2018) for commission of offence punishable under Sections 498A/304B of the Indian Penal Code, 1860;

And

In the matter of : Rekha Saha @ Rekhabala Saha and another.
... petitioners.

Mr. Hillol Saha Poddar. ...For the petitioners.

Mr. Kallol Acharjee,
Mr. Sagnik Sankar Sikdar. ...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Apprehending arrest in the connection with Boxirhat Police Station Case No. 135 of 2018 dated 22.08.2018 (G.R. Case No. 393 of 2018) for commission of offence punishable under Sections 498A/304B of the Indian Penal Code, 1860, the petitioners have filed the instant application for anticipatory bail.

According to the prosecution, the victim lady was married four months before the incident of the alleged suicide with one of the son of the petitioners. The First Information Report was lodged by the father of the victim lady alleging torture on her for dowry.

According to the father of the victim lady, she could not tolerate such torture and ultimately forced to commit suicide to get rid of the same.

It is not in dispute that both the sons of the petitioners were arrested and later on enlarged on bail. The charge-sheet has already been submitted and the memo of evidence produced before us reveals that the petitioners are standing on same footing as that of other co-accused being their sons. There is no special or specific allegations against the petitioners but the nature of allegations appear to be common amongst the co-accused.

Since the other co-accused has already enlarged on bail, we do not find any justification in not extending such benefit to the petitioners in the event of their arrest.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of Rs 5,000/-, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, **allowed**.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)